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Attorneys for Defendant	
FOREX CAPITAL MARKETS LLC	
UNITED STATES	DISTRICT COURT
NORTHERN DISTR	ICT OF CALIFORNIA
HIGHLANDS CAPITAL MANAGEMENT	Case No. CV 09-4698 BZ
L.P., a California limited liability	Case No. CV 05-4000 DZ
corporation, MICHAEL BLAKEMAN, DAVID SMITH, JULIA B. HICHENS,	STIPULATION AND [PROPOSED]
HAROLD MOOZ, CONNIE HELDMAN, and BILL BURGER,	ORDER RE: TRANSFER OF ACTION TO THE UNITED STATES DISTRICT
Plaintiffs,	COURT FOR THE SOUTHERN DISTRICT OF NEW YORK
vs.)	
FOREX CAPITAL MARKETS LLC, a Delaware limited liability corporation, and) DOES 1 through 10, inclusive,	
Defendants.)	
STIPU	<u>LATION</u>
WHEREAS, on or about May 4	, 2009,Pl aintiffs HIGHLANDS CAPITAL
MANAGEMENT L.P., MICHAEL BLAKEM	AN, DAVID SMITH, JULIA B. HITCHENS
HAROLD MOOZ, CONNIE HELDMAN and	BILL BURGER filed this action in the
Superior Court for the State of California, C	ounty of Marin, Case No. CIV 92202;
	- 1 - KYL_SF492539
STIPULATION AND [PROPOSED] ORDER RE: TR. DISTRICT COURT FOR THE SOUTHERN DISTRIC Case No. CV 09-4698 BZ	

1 2 WHEREAS, on or about September 18, 2009, Plaintiffs HIGHLANDS 3 CAPITAL MANAGEMENT L.P., DAVID SMITH, JULIA B. HITCHENS, HAROLD 4 MOOZ, CONNIE HELDMAN and BILL BURGER (collectively "Plaintiffs") filed a First 5 Amended Complaint in this action in the Superior Court for the State of California, 6 County of Marin, Case No. CIV 92202; 7 8 WHEREAS, on October 1, 2009, Defendant FOREX CAPITAL MARKETS 9 LLC ("Defendant"), filed a Notice of Removal and removed this action to the United 10 States District Court Northern District of California; and 11 12 WHEREAS, attorneys for Plaintiffs and attorneys for Defendant (the 13 "Parties") agree that transfer of this action to the United States District Court Southern 14 District of New York in New York, New York, is appropriate pursuant to 28 U.S.C. § 15 1406(a); 16 17 Now therefore, the Parties jointly request that, pursuant to 28 U.S.C. § 18 1406(a), the Court transfer this action to the United States District Court for the 19 Southern District of New York in New York, New York. 20 2122 11/1/11 23 /////// 24 /////// 25 /////// 26 /////// 27 28

STIPULATION AND [PROPOSED] ORDER RE: TRANSFER OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK IN NEW YORK, NEW YORK Case No. CV 09-4698 BZ

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$\begin{vmatrix} 2 \end{vmatrix}$	IT IS SO STIPULATED.	
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4	MWhat IM Rocald	
5	DATED: October 6, 2009 MICHAEL J.M. BROOK	
6	LANAHAN & REILLEY LLP Attorneys for Plaintiffs	
7	HIGHLANDS CAPITAL MANAGEMENT L.P., A CALIFORNIA LIMITED	
8	LIABILITY CORPORATION, MICHAEL BLAKEMAN, DAVID SMITH, JULIA B. HITCHENS, HAROLD MOOZ, CONNIE	
9	HITCHENS, HAROLD MOOŹ, CONNIE HELDMAN, AND BILL BURGER	
11		
12		
13	DATED: October 6, 2009	
14	PETER R. BOUTIN NICOLE S. BUSSI	
1.5	KEESAL, YOUNG & LOGAN	
16	Attorneys for Defendant FOREX CAPITAL MARKETS LLC	
17		
18		
19		
20		
21	ORDER	
22	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
23	R_{ij}	
24	DATED: October 6, 2009	
25	THE HONORABLE BERNARD ZIMMERMAN UNITED STATES DISTRICT MAGISTRATE	
26	JUDGE	
27		
28	- 3 - KYL_SF492539	
	STIPULATION AND [PROPOSED] ORDER RE: TRANSFER OF ACTION TO THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK IN NEW YORK, NEW YORK Case No. CV 09-4698 BZ	